

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JEFFREY BROWN,

Plaintiff,

vs.

CITY OF EAST CLEVELAND, et al.

Defendant.

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CASE NO. 1:20-cv-01130

OPINION & ORDER
[Resolving Doc. [7](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

This case concerns the misconduct of several former East Cleveland Police Officers that resulted in the Plaintiff Jeffrey Brown's wrongful arrest and conviction. Plaintiff sued Defendants in Ohio court claiming violations of Ohio law.¹

Defendants East Cleveland and Mark Allen removed Plaintiff's suit to this Court under 28 U.S.C. § 1441(a), asserting the Court had diversity jurisdiction under § 1332.² Plaintiff moves to remand to state court.³

A defendant may remove a state civil action to federal court if the plaintiff could have originally filed the action in federal court.⁴ In this case, Defendants contend Plaintiff could have filed his suit in federal court based on diversity jurisdiction.⁵

¹ Doc. [1-4](#).

² Doc. [1](#), [1-3](#).

³ Doc. [7](#).

⁴ [28 U.S.C. § 1441\(a\)](#).

⁵ [28 U.S.C. § 1332](#).

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Defendants are mistaken. Because Plaintiff Brown⁶ and Defendant East Cleveland⁷ are both Ohio citizens, this Court does not have diversity jurisdiction under § 1332.⁸

As a result, Defendants were not entitled to remove under § 1441(a).

The Court **GRANTS** Plaintiff's motion and **REMANDS** the present action to the Cuyahoga County Court of Common Pleas.

IT IS SO ORDERED.

Dated: December 7, 2020

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ Doc. [1-4](#) at 3 ("At all times relevant to the claims in this complaint, Plaintiff was a citizen of the United States and a resident of Cuyahoga County, in the State of Ohio.").

⁷ See [Moor v. Alameda County, 411 U.S. 693, 717 \(1973\)](#) ("this Court has recognized that a political subdivision of a State . . . is a citizen of the State for diversity purposes.")

⁸ [28 U.S.C. § 1332\(a\)\(1\)](#) ("The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States").